

# Notice of Allowability

Application No.

09/802,919

Examiner

Nick Corsaro

Applicant(s)

PAUTONNIER, SOPHIE

Art Unit

2684

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/22/2005.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☒ The drawings filed on 12 March 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## REASONS FOR ALLOWANCE

### *Allowable Subject Matter*

1. Claims 1-3 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach a method of transmitting data over a physical link between a base station and a controller of a telecommunications system, the data segmented into cells, the system configured to send the cells over the link in time intervals corresponding to the type of the data the method comprising providing different types of data corresponding to different queue and emptying non-empty queues in an order from the queue having the data with a shortest transmission time interval to a queue having the data with a longest transmission time interval during a time period having a predetermined duration; and repeating the emptying after the expiration of the time period regardless of a state-of the queues.

Petersen et al. (6,504,845), disclosed a method and system for the data link between a base station and a controller of a telecommunication system. Petersen disclosed segmenting the data into cells, i.e., asynchronous transfer mode (ATM) cells, where the cells are sent over the link in time intervals corresponding to the type of data. Petersen further disclosed providing different queues for different types of data, e.g., text, still image, voice, video, numerical data, and prioritizing the queues in an order from the data that is most effected by transmission latencies to the data that is least effected by latencies. That it's the queues are prioritized by the quality of service needed by that type of data. For example voice and video need more bandwidth or less latency than text data to achieve successful communications. Therefore, as viewed by the examiner, Petersen discloses the applicant's invention. However the applicant

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argues that the applicant's invention is not queuing and sending data based on the quality of service or latency needed by the data but only on the transmission time intervals. The applicant states that the applicant's invention is based on transmission time and not prioritizing the data on quality of service based on sensitivity of data to delay. That is, the applicant states in the arguments:

**"Petersen states that cells of different quality class are transmitted based on quality of service needed by and that a maximum permissible delay may vary from one queue to another, because some connections may be less sensitive than other connections for example, data connections and voice connections restated, Petersen at most discloses that between voice and data connections, voice connections may be transmitted before data connection because voice connections are more sensitive to delay Petersen does not state, however, that the voice connections are transmitted before the data connections because the voice connections have a shorter transmission time interval that the data connections. Thus, Petersen uses the criteria of quality of service needed by the data, rather than which data has the shortest time transmission interval, to determine the order of the transmission of the data.**

In conclusion, the examiner contends that the prior art of record queues data based on data type, and prioritizes the queues for transmission based on the quality of service or time latency that can be tolerated by the data, and therefore does not teach prioritizing the data queues for transmission based only on the transmission time for that data.

As a result claims 1-3 are deemed allowable.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nick Corsaro whose telephone number is 703-306-5616. The examiner can normally be reached on 7:00-3:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A Maung can be reached on **571-272-7882**. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7876.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nick Corsaro

**NICK CORSARO  
PRIMARY EXAMINER**

Primary Examiner  
(703) 306-5616